

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 17, 2006

D044689 People v. Archuleta

The judgment is affirmed as to the murder and robbery convictions. The special circumstances that the murder was committed during a robbery is ordered stricken and that sentence is ordered vacated. The matter is remanded for resentencing in light of this opinion. O'Rourke, J.; We Concur: Nares, Acting, P.J., Haller, J.

D045794 Bravo v. Neiman Marcus Group, Inc.

Affirmed. Irion, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D045873 Card Direct LLC v. First United, Inc.

The judgment is affirmed. Card Direct to pay First United's costs on appeal. Haller, J.; Huffman, Acting P.J., O'Rourke, J.

D046138 Pulieri v. Private Asset Management et al.

Upon appellant's filing of a Request for Dismissal of Appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 18, 2006

D045019 Equipment Source Company v. Stewart & Stevenson Services, Inc.

The order denying S&S's motion for JNOV is reversed insofar as it concerns the Red Bluff project. The court is directed to enter a new order granting the JNOV motion to that extent. The order granting the motion for new trial is reversed as moot. The order denying the JNOV motion is affirmed in all other respects. Costs on appeal are awarded to S&S. McConnell, P.J.; We Concur: Huffman, J., Nares, J.

D045249 Schuster et al. v. Hilton

The judgment and order denying Schuster's motion to vacate the judgment are reversed in part for further proceedings only on the set-off issues under Code of Civil Procedure section 431.70. The balance of the judgment and orders, including the dismissal after demurrers and the JNOV orders, is affirmed. Each party to bear its own costs. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

D046988 Kensington Park Villas Association Inc., v. Ferris et al.

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D046620 In re T.K.A. et al., Juveniles

The order finding compliance with the notice requirements of ICWA is reversed, and the matter is remanded to the juvenile court with directions to order Agency to re-notice the BIA in compliance with the notice provisions of ICWA, the relevant case law interpreting ICWA and the views expressed in this opinion. If, after proper notice, a tribe other than the Sycuan Band claims T.K.A. as Indian children, the juvenile court shall proceed in conformity with all provisions of ICWA. If, on the other hand, re-notice to the BIA does not result in a second tribe coming forward to claim the children as Indian children, the court can make a new order finding compliance with ICWA's notice requirements and proceed with the dependency cases. Benke, Acting, P.J.; We Concur: Nares, J., McDonald, J.

D046590 People v. McFarland

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Aaron, J.

D045615 Bayer v. Home Depot USA, Inc.

It is ordered that the opinion filed on December 28, 2005, is modified. No change in judgment. Appellant's petition for rehearing is denied.

D044963 Rauber et al. v. Armstrong et al.

The judgment is affirmed. The parties shall bear their own costs on appeal. O'Rourke, J.; We Concur: Haller, J., McDonald, J.

D047143 In re Susan C., a Juvenile

The juvenile court's order is affirmed. Aaron, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 19, 2006

D045863 People v. Wilson

The judgment is modified by striking the \$600 restitution fine imposed by the trial court under Penal Code section 1202.4, and reducing the \$600 fine imposed under Penal Code section 1202.45 to \$200. The original \$200 restitution fine imposed under Penal Code section 1202.4 remains in force. As modified, the judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., McDonald, J.

D046929 People v. Hauser

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., McIntyre, J

D047732 Emma M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Emma M. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D046496 In re Elizabeth S. et al., Juveniles

We affirm the judgment. Aaron, J.; We Concur: Benke, Acting P.J., Irion, J.

D046726 In re Thomas P., a Juvenile

Judgment affirmed. McConnell, P.J.; We Concur: Huffman, J., Irion, J.

D047752 Grossmont Union High School District et al. v. Superior Court of San Diego County/Zuckor et al.

The petition is denied.

D047860 Moore et al. v. The Superior Court of San Diego County/Dick Clark International Cable Ventures et al.

The petition is denied.

D046896 Mar, LLC v. Albertson's Inc., et al.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 20, 2006

D047512 In re Russo on Habeas Corpus

The petition is denied.

D047509 Brinker Restaurant Corporation v. Superior Court of San Diego County/Adam Hohnbaum

The petition is denied.

D044776 Anticancer, Inc. v. Novartis Corporation et al.

The judgment is affirmed. Novartis Pharmaceuticals Corporation, Novartis Corporation, Genetic Therapy, Inc., and Peter Lassota, Ph.D. shall recover costs and reasonable attorney fees on appeal. O'Rourke, J.; We Concur: McConnell, P.J., McIntyre, J.

D047574 Antoinette B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Antoinette B. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D046985 In re Isaac E., a Juvenile

Judgment affirmed. Huffman, Acting P.J.; We Concur: Nares, J., Haller, J.

D047018 In re Daniel S. Jr., a Juvenile

The appeals are dismissed. Nares, J.; We Concur: Huffman, Acting P.J., Irion, J.

D047367 Wells Fargo Bank v. Superior Court of Imperial County/Studer et al.

The petition is denied.

D046692 National Steel and Shipbuilding Company v. Superior Court of San Diego County/Godinez et al.

CERTIFIED FOR PUBLICATION. The petition is denied, and the temporary stay of proceedings issued on August 8, 2005, is vacated. Real Parties in Interest are entitled to costs in this writ proceeding. McIntyre, J.; I Concur: McConnell, P.J.; I Dissent: Irion, J.